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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

BRANDON AUSTIN,

Plaintiff,

v.

UNIVERSITY OF OREGON; SANDY WEINTRAUB; CHICORA MARTIN; ROBIN HOLMES; and MICHAEL R. GOTTFREDSON, all in their individual capacities only,

Defendants.

Case No.: 6:15-cv-02257-MC

DECLARATION OF MICHELLE BARTON SMIGEL IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I, Michelle Barton Smigel, declare as follows:

1. I am one of the attorneys for defendants University of Oregon, Sandy Weintraub, Chicora Martin, Robin Holmes, and Michael R. Gottfredson. I make this declaration on personal knowledge or from sources deemed reliable. I am competent to testify with respect to the matters set forth below.

2. Attached as Exhibit A is a redacted copy of the police report published by *The Oregonian* at http://media.oregonlive.com/ducks_impact/other/14-04131.pdf.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of January, 2016, in Portland, Oregon.

s/ Michelle Barton Smigel
Michelle Barton Smigel

I hereby certify that I served the foregoing Declaration of Michelle Barton Smigel in Support of Defendants' Motion to Dismiss on:

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by the following indicated method or methods on the date set forth below:

- CM/ECF system transmission.**
- E-mail.** (Courtesy copy.)
- Facsimile communication device.**
- First-class mail, postage prepaid.**
- Hand-delivery.**
- Overnight courier, delivery prepaid.**

DATED this 25th day of January, 2016.

s/ Michelle Barton Smigel
Michelle Barton Smigel, OSB No. 045530

*Of Attorneys for Defendants University of
Oregon, Sandy Weintraub, Chicora Martin,
Robin Holmes, and Michael R. Gottfredson*